IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.21379-M of 2007
Date of Decision:- 21.11.2007

Jaswinder Singh ....Petitioner(s)

through
Mr.R.S.Bajaj, Advocate

vs.

State of Punjab & ors. ....Respondent(s)

through
Mr.Rajesh Bhardwaj, DAG, Punjab.
Mr.Darling Behl, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

In this petition under Section 482 Cr.P.C. the petitioner seeks quashing of F.I.R.No.117 dated 8.9.2006 under Sections 406/498-A IPC, registered at Police Station Chherata, District Amritsar.

The above-stated relief has been sought on the basis of a compromise purported to have been arrived at between the parties by way of deed of compromise dated 18.12.2006 (Annexure P-2).

The facts may be noticed briefly.

The petitioner was married to respondent No.2-the complainant on 10.2.2006. No child was born out of the said wedlock. It appears that due to temperamental differences, the petitioner and respondent No.2 could not pull on together. This led to registration of the impugned F.I.R. against the petitioner and his family members at the hands of respondent

No.2-the complainant.

However, as averred by the petitioner, with the intervention of the respectables a compromise has been effected vide deed of compromise dated 18.12.2006 (Annexure P-2) in terms whereof the parties have decided to part ways and for that purpose, a petition under Section 13-B of the Hindu Marriage Act for grant of decree of divorce by mutual consent is stated to have been filed by them.

Notice of motion was issued and in response thereto, respondent No.2-the complainant has put in appearance through her counsel. She has also filed her reply/affidavit dated 21.11.2007 which is taken on record. In the aforesaid affidavit, respondent has acknowledged the compromise arrived at between the parties. However, she has further averred that the petitioner is required to pay a sum of Rs.3,45,000/- in cash to her.

The said amount, however, has been paid by learned counsel for the petitioner to learned counsel for the respondent-complainant in Court. On this premise as deposed by respondent No.2 in her affidavit, she has no objection if the impugned F.I.R. and the subsequent proceedings arising therefrom are quashed by this Court.

Learned State counsel also has taken a fair stand and does not oppose the prayer made in this petition.

In view of the aforementioned stand taken by the parties and having regard to the principles laid down by the Apex Court in the case of **B.S.Joshi and others vs. State of Haryana and another,** 2003 (2) RCR (Crl.) 888 and a five Judges Bench of this Court in the case of **Kulwinder**

Singh and others vs. State of Punjab and another, 2007 (3) Law Herald (P&H), 2225, this petition is allowed and the F.I.R.No.117 dated 8.9.2006 under Sections 406/498-A IPC, registered at Police Station Chherata, District Amritsar and all the subsequent proceedings arising therefrom are hereby quashed.

November 21, 2007 **(SURYA KANT)**
poonam **JUDGE**